

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : CASE NO. 1:12-cv-500
: :
PLAINTIFF, : :
: :
v. : :
: :
NINE THOUSAND SIX HUNDRED :
TWELVE DOLLARS (\$9,612.00) :
IN UNITED STATES CURRENCY, :
: :
DEFENDANT. : :

DECREE OF FORFEITURE

The United States filed a verified Complaint for Forfeiture in Rem on June 29, 2012 (Doc. 1). This is a civil action *in rem* brought against the defendant which is more fully described as Nine Thousand Six Hundred Twelve Dollars (\$9,612.00) (“subject property”) in United States Currency to enforce the provisions of 21 U.S.C. § 881(a)(6), which provides for the forfeiture of:

All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

A Warrant of Arrest in Rem issued by the Clerk of Court on July 5, 2012 (Doc. 3) directed the United States Marshal for the Southern District of Ohio to arrest the Defendant. The Warrant also required the plaintiff to post notice of the arrest of the Defendant and the forfeiture action on the official government internet site

www.forfeiture.gov.

The United States Marshals Service arrested the Defendant, bringing the Defendant within the jurisdiction of the Court on July 9, 2012 (Doc. 4).

The United States posted notice of this civil forfeiture action on the official government internet publication site www.forfeiture.gov, beginning on July 10, 2012 for 30 consecutive days (Doc. 5).

Pursuant to Rule G(4)(b)(i) and (ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States is required to send Direct Notice of the action with a copy of the complaint to any person who reasonably appears to be a potential claimant on the facts known to the government before the end of the time for filing a claim under Rule G(5)(a)(ii)(B). The Direct Notice instructs the potential claimant or the potential claimant's attorney of the date the notice was sent; the deadline for filing a claim, at least thirty-five days after the Direct Notice was placed in the mail or thirty days after the final publication of this action; that an answer or a motion under Rule 12 must be filed no later than 21 days after filing the claim; and the name of the United States Attorney to be served with the claim and answer. The Direct Notice must be sent by means reasonably calculated to reach the potential claimant.

On July 26, 2012, the United States sent direct notice of the civil forfeiture action by certified and regular mail to Jeffrey Pickett via his attorney, Lindsey R. Gutierrez, Esq.; and by certified and regular mail to Jeffrey Pickett, and Samuel Pickett (Doc. 6).

Jeffrey Pickett (the “Claimant”) filed a Claim on August 30, 2012 (Doc. 7) and an Answer on September 20, 2012 (Doc. 8). The United States filed a Motion to Strike Claim and Answer on July 9, 2014 (Doc. 26) for failure to comply with the Court’s order to schedule and submit to a deposition by the Government by June 27, 2014 (Doc. 25). On July 17, 2014, the Court granted the United States’ Motion to Strike the Claim and Answer of Claimant and entered the Default of Claimant as authorized by Fed. R. Civ. P. 55(a) for failure to file a claim and answer as required by 18 U.S.C. § 983(a)(4)(A) and (B) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Doc. 29).

As of July 23, 2014, no other person or entity has filed a claim to the defendant or an answer to the United States’ Complaint for Forfeiture and the time for filing a claim and answer has expired.

Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that all right, title, and interest in the Defendant is CONDEMNED and FORFEITED to the United States pursuant to 21 U.S.C. § 881(a)(6) confirming in the United States all right, title, and interest in the Defendant and ordering the United States Marshals Service to dispose of the Defendant in accordance with the law.

S/Susan J. Dlott

Susan J. Dlott, Chief Judge
UNITED STATES DISTRICT COURT